

## **REMARKS**

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

### **I. Oath/Declaration**

The Examiner objected to the original Declaration filed in the present application because it included non-initialed and/or non-dated alterations. A new Declaration is submitted herewith.

### **II. Status of the Claims**

Claims 1-10 are pending in this application. In the Office Action mailed on August 21, 2006, claims 1-6 were rejected under 35 U.S.C. §102. In addition, claims 7-10 were objected to as being dependent on a rejected base claim, but were indicated as being allowable if rewritten in independent form. Claims 1-3 have been amended, and claims 25-28 have been added.

### **III. Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,402,168 to Maier et al.

Claim 1, as amended herein, recites a clip assembly for use with a panel system that includes a first clip member, a second clip member, and “a gap formed between the upright member of the first clip member and the upright member of the second clip member, said gap extending in a manner such that the upright member of the first clip member and the upright member of the second clip member are spaced apart from and do not contact one another.” As stated in paragraph 29 of the present application, such a gap is advantageous as it allows for side-to-side movement of the upright members when subjected to transverse forces. This movement allows the clip assemblies to accommodate slight transverse panel movement.

Maier et al. describes a mounting clip 10 consisting of two generally L-shaped plates 10a and 10b which are nested together in an overlying relationship. As seen in Figure 1, the plates 10a and 10b include upright members that contact one another over a substantial portion of the length thereof. Thus, Maier et al. does not teach or suggest “a gap formed between the upright member of the first clip member and the upright member of the second clip member, said gap extending in a manner such that the upright member of the first clip member and the upright member of the second clip member are spaced apart from and do

not contact one another” as recited in amended claim 1. As a result, because the upright members in Maier et al. touch one another, they are not able to allow for side-to-side movement when subjected to transverse forces as is the case with the assembly recited in claim 1. Thus, in contrast to the present invention recited in claim 1, the Maier et al. assembly is not able to readily accommodate slight transverse panel movement.

In addition, claim 1 recites “the first clip member adapted to engage a panel” and “the second clip upright member and upper flange member adapted to cooperate with a panel.” In contrast, Maier et al. describes a seam strip 12 (Figure 2) that is adapted to engage with and be held by the upper edge of the mounting clip 10. The seam strip 12 has slots 18 that are adapted to receive the edges of the panels 16 with jaws 32 of the seam strip 12 being deformed inwardly to hold the panels 16. Thus, the mounting clip 10 does not engage the panels 16 in the system shown in Maier et al., and as a result, Maier et al. does not teach or suggest “the first clip member adapted to engage a panel” and “the second clip upright member and upper flange member adapted to cooperate with a panel” as recited in claim 1.

Accordingly, Maier et al. does not disclose each and every limitation of claim 1, as amended, and therefore the Applicant respectfully submits that claim 1 is not anticipated by Maier et al. Therefore, the Applicant respectfully requests that the Examiner’s rejections based thereon be withdrawn and that claim 1 and dependent claims 2-10, which depend, directly or indirectly, thereon, be allowed.

## **V. Allowable Subject Matter**

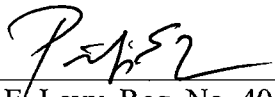
In the Office Action, the Examiner indicated that claims 7-10 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. The Applicant has rewritten claim 7 in independent form as new claim 25, and added new claims 26-28 which are identical to claims 8-10. As a result, the Applicant submits that claims 25-28 are allowable.

## **CONCLUSION**

Based on the foregoing remarks, the Applicant respectfully submits that claims 1-10 and 25-28 are in condition for allowance. In addition, the Applicant notes that currently withdrawn claims 11-20 (directed to non-elected species) depend, directly or indirectly, from claim 1, and should therefore also be allowable.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

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